

REMARKS

The Applicants respectfully request reconsideration of the instant application in view of the foregoing amendments and following remarks.

Status of Claims

Claims 1-35 and 50-51 are currently pending in this application. Claims 36-49 and 52-53 were previously canceled. By this Amendment, claims 1, 19, 20, 35, 50 and 51 have been amended. No new matter has been introduced by this Amendment.

Rejections under 35 U.S.C. §103

Claims 1-3, 15-22, 33-35, and 50-51 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Saito et al. (U.S. Patent No. 6,256,063, hereafter Saito) in view of Kobayashi et al. (U.S. Patent No. 5,136,320, hereafter Kobayashi). Claims 4-6, 10-11, 23-25, and 27-29 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Saito in view of Kobayashi and further in view of Takahashi (U.S. Patent No. 5,210,567, hereafter Takahashi). Finally, Claims 7-8, 12-14, 26, 30-32, 36-49 and 52-53 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Saito in view of Kobayashi and further in view of Hashimoto et al. (U.S. Patent No. 6,344,875, hereafter Hashimoto).

In the Office Action, the Examiner relies on the newly cited reference Saito for teaching the determining device or related method of the present invention. Accordingly, we propose amending claims 1, 19-20, 35 and 50-51 to further distinguish the present invention from the prior art of record and to expedite prosecution of the application. More specifically, we suggest amending the above claims to more particularly point out that the determining device or method of the present invention is capable of determining whether “an image sensing apparatus is in an external control state in which the apparatus is controlled by an external controller unit or in an image sensing state in which the apparatus is not controlled by the external controller unit.”

The present invention, as recited in amended claims 1, 19-20, 35, and 50-51 are directed to an apparatus and a method that is in an external control state in which an apparatus can be controlled by an external controller unit and can also be in a sensing state in which the apparatus is controlled independent of the external controller unit.

The Applicants believe that none of the cited prior art teach or suggest the features noted above. Accordingly, even if one of ordinary skill in the art were to combine the teachings of Saito, Kobayashi, Prentice, Takahashi and Hashimoto, the combination still would not possess each and every element as set forth in claims 1, 19-20, 35 and 50-51, as amended. Accordingly, claims 1, 19-20, 35 and 50-51 are believed to be distinguishable over the prior art or record. Likewise, claims 2-18 and 21-34 are also believed to be distinguishable over the prior art of record based on their dependency from claims 1 and 20, respectively.

CONCLUSION

Based on the foregoing amendments and remarks, Applicants respectfully request reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4522.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby

Serial No. 09/266,253

-12-

Docket No. 1232-4522

authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4522.

Respectfully submitted,
MORGAN & FINNEGAN, L.L.P.

Dated: June 24, 2004

By:



Mark D. Pratt

Registration No. 45,794

(202) 857-7887 Telephone

(202) 857-7929 Facsimile

Correspondence Address:

MORGAN & FINNEGAN, L.L.P.

345 Park Avenue

New York, NY 10154-0053